

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHANDRASIRI G. MUDUN
KOTUWAGE, individually and in behalf
of all other persons similarly situated,

Plaintiff,

MEMORANDUM AND ORDER

Case No. 15-CV-4374 (FB) (ST)

-against-

BILT PETROLEUM, INC.; NSS
PETROLEUM INC; AMRIK S.
DHILLON; and NIRMAL SINGH,
jointly and severally,

Defendants.

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BLOCK, Senior District Judge:

Magistrate Judge Tiscione issued a Report and Recommendation (“R&R”) recommending that a judgment be entered in favor of plaintiff and against defendant Amrik S. Dhillon in the amount of \$5,732.64, representing \$5,130 in attorneys’ fees and \$602.64 in costs. The R&R advised that objections were due within fourteen days of service and warned that “[f]ailure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals.” R&R at 5.

Plaintiff timely objected that the R&R omitted two hours of attorney time spent preparing the motion for fees and costs. The Court reviews that aspect of the R&R de novo. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed

findings or recommendations to which objection is made.”).¹

Plaintiff’s motion for fees and costs was supported by contemporaneous time records. Magistrate Judge Tiscione sensibly computed fees based on those records. In the affirmation accompanying the motion, however, plaintiff’s attorney attested that he “also spent 2.0 hours today drafting this motion.” Affirmation of Brandon D. Sherr (Mar. 5, 2018) ¶ 12. He explained that the time was not included in the records because “the time sheet was completed prior to the completion of the motion.” Objection at 1. At \$300/hour, which Magistrate Judge Tiscione found to be reasonable, the addition of two hours increases the amount of fees by \$600.

The Court has reviewed the balance of the R&R for plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). Finding none, the Court adopts it as modified. Therefore, the Clerk shall enter judgment for \$5,730 in attorneys’ fees and \$602.64 in costs, for a total of \$6,332.64.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

¹The R&R was served on Dhillon at his last known address, but he has not filed any objections.

Brooklyn, New York
March 25, 2019